

Nos. 22-55988, 22-56036

**UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

AL OTRO LADO, INC., *et al.*,
Plaintiffs-Appellees/Cross-Appellants,

v.

ALEJANDRO MAYORKAS, Secretary of Homeland Security, *et al.*,
Defendants-Appellants/Cross-Appellees,

and

the EXECUTIVE OFFICE FOR IMMIGRATION REVIEW,
Appellant/Cross-Appellee.

On Appeal from a Final Judgment Issued by the U.S. District Court for the
Southern District of California (Civil Action No. 3:17-cv-02366-BAS-KSC)

**GOVERNMENT’S UNOPPOSED MOTION FOR EXTENSION OF TIME
TO PETITION FOR REHEARING**

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Pursuant to Federal Rule of Appellate Procedure 26(b), Defendants-Appellants/Cross-Appellees and Appellant/Cross-Appellee (the Government) hereby move for an extension of the deadline to file a petition for rehearing in this case by 30 days, up to and including January 6, 2025. A petition for rehearing from the Court's October 23, 2024 opinion is presently due by December 7, 2024. This case does not involve a challenge to immigration detention. Counsel for Plaintiffs-Appellees/Cross-Appellants states that Plaintiffs take no position, for or against, this request.

This motion is made for good cause. The Court's opinion significantly impacts the operations and distinct interests of the Department of Homeland Security (DHS) and its component agencies, including U.S. Customs and Border Protection (CBP), as well as the Executive Office for Immigration Review (EOIR). Consensus between the U.S. Department of Justice's Civil Division and all of these agencies on whether to seek further review, and on which of the several issues raised by the Court's opinion, requires extensive and complex coordination. Moreover, a determination on whether or not to seek rehearing or file a petition for certiorari, and on which issues, may only be made by the Solicitor General of the United States, based on the agencies' recommendations. 28 C.F.R. § 0.20(b). Only then may any petition be completed and fully coordinated. An extension of time of 30 days is needed to

permit the Government to conduct this coordination and, if rehearing is sought, prepare the correct and thorough but concise reasoning the Court requires in a petition for rehearing.

Accordingly, the Government respectfully requests that the Court extend the deadline for the Government to file any petition for rehearing by 30 days, up to and including January 6, 2025.

DATED: November 27, 2024

Respectfully submitted,

BRIAN M. BOYNTON
Principal Deputy Assistant Attorney General

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CERTIFICATE OF SERVICE

I certify that on November 27, 2024, I served a copy of this document on the Court and all parties by filing it with the Clerk of the Court through the CM/ECF system, which will provide electronic notice and a link to this document to all counsel of record.

DATED: November 27, 2024

Respectfully submitted,

/s/ Alexander J. Halaska
ALEXANDER J. HALASKA
Senior Litigation Counsel
U.S. Department of Justice

Counsel for the Government

CERTIFICATE OF COMPLIANCE

I certify this motion complies with Federal Rules of Appellate Procedure 27(d)(1)(D) and 27(d)(1)(E) because it is double-spaced, has margins of at least one inch on all four sides, and uses proportionally-spaced, 14-point Times New Roman font.

I certify this motion complies with the type-volume limitation of Federal Rule of Appellate Procedure 27(d)(2)(A) because it contains 283 words, including headings and footnotes, as measured by the word processing application used to prepare this brief.

DATED: November 27, 2024

Respectfully submitted,

/s/ Alexander J. Halaska
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